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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 ELIZABETH AMANDA DAVENPORT,
12 Plaintiff,
13 v.
14 MICHAEL J. ASTRUE,
15 Defendant.

CASE NO. 10-CV-508-JM (PCL)

**ORDER ADOPTING REPORT
AND RECOMMENDATION
GRANTING DEFENDANT'S
MOTION TO DISMISS**


Doc. Nos. 10 & 12

16 On January 19, 2011, Magistrate Judge Anthony J. Battaglia entered a Report and
17 Recommendation ("R&R") in the above-entitled case that thoroughly and thoughtfully
18 analyzed Defendant's claims and recommended granting Defendant's motion to dismiss. (Doc.
19 No. 12.) Having carefully considered the R&R, the record before the court, and the appropriate
20 legal authorities, and in the absence of any objections to the R&R, the court hereby ADOPTS
21 the R&R in its entirety.

22 Accordingly, the court hereby GRANTS Defendant's motion to dismiss with leave to
23 amend. (Doc. No. 10.) Should Plaintiff wish to file an amended complaint, she must do so on
24 or before April 22, 2011.

25 **IT IS SO ORDERED.**

26 DATED: April 6, 2011

27 
28 Hon. Jeffrey T. Miller
United States District Judge